

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

Lister, 17-cv-4336-JNE-FLN
Rich et al., 16-cv-02631-JNE-FLN
Richey, 17- cv-5323-JNE-FLN
Smith et al., 17- cv-2889-JNE-FLN
Steele, 17-cv-1262-JNE-FLN

**MEET AND CONFER STATEMENT
REGARDING DEFENDANTS'
SECOND MOTION TO DISMISS
CASES FOR FAILURE TO
COMPLY WITH PRETRIAL
ORDER NO. 23 AND/OR
FED. R. CIV. P. 25(a)**

The undersigned counsel for Defendants 3M Company and Arizant Healthcare Inc. (collectively "Defendants") certifies that counsel for Defendants met and conferred with counsel for Plaintiffs in the above-referenced matters as follows:

1. Defendants' counsel sent an email to counsel for the above-captioned plaintiffs on Monday July 9, 2018 requesting that they stipulate to a dismissal with prejudice of plaintiffs' actions and indicating that, if agreement was not reached by July 11, 2018, Defendants would file a motion to dismiss.

2. No response was received from counsel for plaintiffs Lister, Richey, Smith, or Steele.

3. In response to the meet and confer email, counsel for the plaintiffs in Rich filed a Rule 41(a)(2) motion to dismiss Rich without prejudice. However, PTO 23 entitles

Defendants to a dismissal with prejudice; hence, Defendants are unwilling to stipulate to this dismissal.

4. Counsel for Plaintiffs and Defendants were therefore unable to reach an agreement to stipulate to dismiss with prejudice any of the above cases.

Dated: July 12, 2018

Respectfully submitted,

s/Benjamin W. Hulse

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